

In The United States District Court
Middle District of Alabama

JAN 29 AM 10:20

John David Strong 124754
Petitioner pro se

U.S. DISTRICT COURT
MIDDLE DISTRICT

-VS-

2:07-CV-87-WKW

Johnny Hardwick, Judge
Circuit Court in and for
Montgomery County, et al.
Respondent

Pending civil action
case No: cv-06-1314
in Judge Hardwick's docket

Petition For Writ of Mandamus

Comes now Petitioner John David Strong pro se pursuant to the appropriate Rule and authority herein respectfully moves this Honorable Court for Mandamus relief in regards to a State civil action complaint that was filed by Petitioner in the Circuit Court of Montgomery County which was assigned to the Honorable Judge Johnny Hardwick's docket on or around April 25th 2006 referred to above. Because said Judge refuses to allow Petitioner his right to prosecute said case, this action follows:

Statement

Petitioner then, as now was - is proceeding as a pauper and requested leave to proceed as a pauper in that civil action complaint in where Petitioner challenges not only the conditions of his confinement as being a violation of the 8th Amendment's ban, but that his transfer to Easterling Cor. Fc. was just another continued retaliatory action by prison officials to punish Plaintiff for exercising his First Amendment rights.

Be as it may, the Honorable Judge Johnny Hardwick is abusing his authority and is illegally discriminating against Petitioner Strong by illegally denying Petitioner his right under state rules of civil procedures, which Rule 4 (b) mandates that all civil action complaints filed, must be served on the defendants within 120 days. It has been over 270 days since Petitioner's civil complaint at issue was filed and it still hasn't been served on the defendants! The Honorable Judge Johnny Hardwick refuses to exercise his judicial duties mandated by state law (cited above) to allow this action to commence - which necessitates said Judge to rule on Petitioner's request for leave to proceed as a pauper, first

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which said Judge refuses to do

Petitioner has exhausted his state court remedies, by filing Mandamus actions in all three (3) state courts, with no relief given and Petitioner has no other avenue for relief in state courts - to force Judge to do his duty and address Petitioner's cause of action, that's been on his docket since April of 2006.

Conclusion

Wherefore premises considered Petitioner Strong respectfully moves this Honorable Court for Mandamus relief as this Honorable Court deems proper, such as an order asking said Judge why he should not be held in contempt for refusing to do what the law says he should do, and or enter an order directing said Judge to recuse himself and reassign Petitioner's case to another Judge or in the alternative accept jurisdiction of this case with an appropriate order.

It is so prayed Respectfully Submitted

Subscribed to before me
on January 24th 2007

sr John David Strong
John David Strong pro se

sr [Signature]

Notary my commission expires on _____

my comm

John David Strong 124754
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P.O. Box 10 9-A-94
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MONTGOMERY AL 361

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Legal mail

"This correspondence is forwarded from an Alabama State Prison. The contents have not been evaluated, and the Alabama Department of Corrections is not responsible for the substance or content of the enclosed communication."

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Honorable Chief Judge
U.S. District Court
Middle District
P.O. Box 711

Montgomery Alabama 36101-0711